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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,130	07/15/2003	Mao Zhang		6897
7590	05/11/2004		EXAMINER	
Mao Zhang 5578 Spur Ct Fontana, CA 92336			VALENTI, ANDREA M	
		ART UNIT	PAPER NUMBER	3643
DATE MAILED: 05/11/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/619,130	ZHANG, MAO
	<b>Examiner</b>	<b>Art Unit</b>
	Andrea M. Valenti	3643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 15 July 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Specification***

The disclosure is objected to because of the following informalities:

The specification appears to be a literal translation into English from a foreign document and is replete with grammatical and idiomatic errors.

For Example:

Abstract, second line, 'their eggs combines' should be --their eggs combine--

Specification, page 3, Brief Summary of the Invention, third line, 'with small volume' appears it should be --with a small volume--

The use if articles such as 'a' is missing in many of the sentences and the proper use of plural and singular words is in error in several sentences.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-9 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. They appear to be a literal translation into English from a foreign

document and are replete with grammatical and idiomatic errors. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

- (i) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).

Regarding Claims 1, 2, 5, and 9, the use of the parentheses render the claims indefinite because applicant has not clearly identified the scope of the claim and if the subject matter in the parentheses is within the intended scope of the claim limitation.

Regarding Claims 2-9, the use of the terminology 'could be', 'can be', or 'will be' renders the claims indefinite because this language is not restricting and does not provide a clear definition of the scope of the claim limitation.

Regarding Claim 8, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent JP 6116073 to Takenaka Komuten Co.

Regarding Claim 1, as best understood by the vague and indefinite claim language, Komuten teaches rearing fly larvae in space (English abstract under Use section).

Regarding Claim 2, as best understood by the vague and indefinite claim language, Komuten teaches human/animal waste and inedible crop plants in space **can be** recycled to regenerate nourishing maggot biomass for animal feedstuff (English Abstract).

Regarding Claim 3, as best understood by the vague and indefinite claim language, Komuten teaches the maggot **can be** a carrier of special ingredients (English Abstract).

Regarding Claim 4, as best understood by the vague and indefinite claim language, Komuten teaches bringing the eggs from earth and **can be** reared in space (English Abstract).

Regarding Claim 5, as best understood by the vague and indefinite claim language, Komuten teaches rearing maggots 3-3.5 days or after 4 days **could be** feed stuff (English Abstract).

Regarding Claim 6, as best understood by the vague and indefinite claim language, Komuten teaches the maggot **will be** feedstuff for poultry (English Abstract).

Regarding Claim 7, as best understood by the vague and indefinite claim language, Komuten inherently teaches residues after rearing maggot is odorless and still rich of nutrients and **can be** high grade fertilizer (English Abstract).

Regarding Claim 8, as best understood by the vague and indefinite claim language, Komuten teaches rearing maggots with self-manure **could be** a self-sufficient food production (English Abstract).

Regarding Claim 9, as best understood by the vague and indefinite claim language, Komuten inherently teaches the maggot powder **can be** manufactured as healthy food on earth (English Abstract).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

United Kingdom Patent GB 2110516A; Japanese Patent JP 59805259A;  
Japanese Patent JP 62269646A; U.S. Patent No. 6,557,487; U.S. Patent No.  
6,130,084; U.S. Patent No. 3,814,057; U.S. Patent No. 5,618,574; U.S. Patent No.  
6,303,175; U.S. Patent No. 4,023,954.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea M. Valenti whose telephone number is 703-305-3010. The examiner can normally be reached on 7:30am-5pm M-F; Alternating Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M. Poon can be reached on 703-308-2574. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Andrea M. Valenti*  
Andrea M. Valenti  
Examiner  
Art Unit 3643

28 April 2004

*Peter M. Poon*  
Peter M. Poon  
Supervisory Patent Examiner  
Technology Center 3600